



Paper No. 10

Richard O. Bartz
Suite 350
6750 France Avenue South
Edina, MN 55435

COPY MAILED

NOV 25 2002

OFFICE OF PETITIONS

In re Application of
John Mueller
Application No. 09/810,355
Filed: March 19, 2001
Attorney Docket No. M304.12.1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed September 10, 2001, which set a shortened statutory period for reply of three (3) months from its mailing date. A response was received by the Office on January 7, 2002, but the request for an extension of time was not received until February 15, 2002, with a certificate of mailing dated January 23, 2002. Petitioner was, therefore, in need of an extension of time within the second month to make the January 7, 2002, filing timely. No authorization to charge a deposit account for any outstanding amounts was found in the application file. The application, therefore became abandoned on January 11, 2002. A Notice of Abandonment was mailed on April 17, 2002.

The application is being forwarded to Technology Center 3700 for review of the amendment filed on January 7, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy